1

2

15

14

16

17 18

1920

22

21

2425

2627

2829

30

31

UNITED STATES DISTRICT COURT DISTRICT OF PUERTO RICO

VICTOR FORTUNATO-IRIZARRY,

Plaintiff,

ET AL.,

V.

POLICIA DE PUERTO RICO,

* Civil No. 06-2004 (JAF)

* *

Defendant.

*

ORDER

On October 5, 2006, plaintiff filed a Complaint against the Puerto Rico Police Department and two State court judges. <u>Docket Document No. 2</u>. Along with his Complaint, plaintiff filed a Motion for Leave to Proceed *in Forma Pauperis*. Docket Document No. 1.

On October 12, 2006, the Clerk of Court issued a "Notice of Defective Filing" whereby it informed plaintiff that although he had filed a Motion and Affidavit to Proceed in Forma Pauperis, he had failed to submit a certified copy of his trust account statement for the six-month period immediately preceding the filing of the complaint. Docket Document No. 4. Thus, he was instructed to either submit the \$350.00 filing fee or to submit a certified copy of his trust account statement for the six-month period immediately preceding the filing of the complaint within thirty (30) days from the date of the "Notice of Defective Filing." Plaintiff was advised that his failure to correct this deficiency within the referred thirty-day period could result in the dismissal of the case.

Civil No. 06-2004 (JAF)

1

2

3

4

5

6

7

8

9

10

11

Page 2

Plaintiff was granted until November 16, 2006, to cure the noted deficiency. However, as of today, Plaintiff not only failed to comply with the "Notice of Defective Filing" but he also failed to justify his lack of compliance.

ACCORDINGLY, plaintiff's complaint is dismissed without prejudice. Judgment shall be entered accordingly.

IT IS SO ORDERED.

San Juan, Puerto Rico, this 11th day of January, 2007.

S/José Antonio Fusté José Antonio Fusté Chief United States District Judge